



*United States Attorney
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**PRESIDENT OF CLEANUP COMPANY SENTENCED TO 30 MONTHS
IN FEDERAL PRISON FOR ANTHRAX DECONTAMINATION FRAUD**

JAMES B. COMEY, the United States Attorney for the Southern District of New York, announced that OSCAR MIRANDA, the President of Azteca Services, Inc. ("Azteca"), based in Port Arthur, Texas, was sentenced today by United States District Judge ROBERT W. SWEET in Manhattan federal court to 30 months in prison for defrauding the United States Postal Service ("USPS") in connection with the 2001 anthrax decontamination of the USPS Morgan Processing and Distribution Center ("Morgan"), located in Manhattan, and for making a false statement to an employee of the Occupational Safety and Health Administration ("OSHA") during an OSHA investigation relating to the decontamination. In addition, Judge Sweet ordered Miranda to pay \$1,385,971.31 in restitution to the United States Postal Service.

MIRANDA pled guilty on July 31, 2003, to a criminal Information charging that he falsely represented that Azteca workers who participated in the anthrax decontamination had the

training required for the job when in fact they did not. The USPS paid more than \$1.6 million for their services.

According to the Information to which MIRANDA pled guilty, Morgan houses machines used for the processing and sorting of mail. In October, 2001, anthrax bacteria was determined to be present on some of those machines. The USPS entered into a contract for cleaning and decontamination in Morgan. The USPS required all workers performing the anthrax decontamination to have received specialized training, called "Hazwoper" training. Hazwoper training is required by OSHA rules for certain workers involved in operations that expose or potentially expose them to hazardous substances such as biological and disease-causing agents.

Among other things, the OSHA rules require a minimum of 40 hours of training, succeeded by eight hours of refresher training annually, in the use of personal protective equipment, work practices to minimize risks, and symptoms and signs which might indicate overexposure to hazards. The rules also require that those who have received and successfully completed Hazwoper training be given written certificates, certifying that they have successfully completed the training.

According to the Information, some of the Morgan decontamination work was subcontracted to Azteca. From November 1, 2001, through December 8, 2001, workers employed by Azteca, together with workers employed by other contractors, performed

cleaning and decontamination services on the machines where anthrax had been determined to be present.

MIRANDA admitted at the time of his guilty plea that he knew that Azteca workers assigned to the Morgan anthrax decontamination had not received the required Hazwoper training. Nonetheless, as alleged in the Information, in order to ensure that the Azteca workers would be permitted to be involved in operations that exposed or potentially exposed them to hazardous substances so that he would be paid for and profit from their work, MIRANDA falsely represented that the Azteca workers had received the requisite Hazwoper training and took steps to conceal the fact that they had not.

According to the Information, those steps included creating and submitting bogus Hazwoper training certificates for the Azteca workers, lying about the training given to the Azteca workers, instructing some of the workers to lie about their training and submitting documents to OSHA that falsely represented that the Azteca workers had received Hazwoper training during 2001.

According to the Information, on November 17, 2001, an OSHA employee interviewed MIRANDA, who falsely stated that he had given all of the Azteca workers 40 hours of hazardous materials training.

MIRANDA was ordered to surrender to begin serving his

sentence on January 12, 2004.

MIRANDA is 41 years old and lives in Nederland, Texas.

Mr. COMEY praised the efforts of the offices of Inspector General of the United States Department of Labor and of the United States Postal Service in the investigation of this case.

Assistant United States Attorney ANNE C. RYAN is in charge of the prosecution.

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